

## University of Massachusetts Law Review

---

Volume 6

Issue 1 *Trends and Issues in Education and the Law*

Article 3

---

January 2011

# Economic Integration of Schools: Evaluating the Wake County Experiment

Anthony Ciolli

Follow this and additional works at: <http://scholarship.law.umassd.edu/umlr>

---

### Recommended Citation

Ciolli, Anthony (2011) "Economic Integration of Schools: Evaluating the Wake County Experiment," *University of Massachusetts Law Review*: Vol. 6: Iss. 1, Article 3.

Available at: <http://scholarship.law.umassd.edu/umlr/vol6/iss1/3>

This Article is brought to you for free and open access by Scholarship Repository @ University of Massachusetts School of Law. It has been accepted for inclusion in University of Massachusetts Law Review by an authorized administrator of Scholarship Repository @ University of Massachusetts School of Law.

# ECONOMIC INTEGRATION OF SCHOOLS: EVALUATING THE WAKE COUNTY EXPERIMENT

---

ANTHONY CIOLLI\*

Economic integration involves school districts taking proactive measures to ensure that no school has a large concentration of low income students<sup>1</sup> usually no more than 40 or 50 percent.<sup>2</sup> Districts may achieve economic integration through a variety of means, ranging from coercive methods that make income a factor in the school assignment process<sup>3</sup> to school choice programs.<sup>4</sup>

Studies have shown that low-income students perform better, on average, when they attend predominantly middle class schools rather than schools with a high concentration of students in poverty.<sup>5</sup> Further studies have found that such students perform better at economically integrated schools even when high poverty schools receive additional funding and resources.<sup>6</sup> These increases have been largely attributed

---

\* Appellate Law Clerk to Chief Justice Rhys S. Hodge, Supreme Court of the Virgin Islands. The opinions in this article are the author's alone and do not reflect the views of Chief Justice Hodge, the Supreme Court of the Virgin Islands, or the Virgin Islands judiciary.

<sup>1</sup> *Answers to FAQs Regarding Title I in North Carolina*, PUBLIC SCHOOLS OF NORTH CAROLINA (July 31, 2006), <http://www.ncpublicschools.org/docs/nclb/title1/facts/title1facts.pdf> (Low income students are defined as those who qualify for free or reduced price lunches).

<sup>2</sup> Richard D. Kahlenberg, *Socioeconomic School Integration Through Public School Choice: A Progressive Alternative to Vouchers*, 45 HOW. L. J. 247, 258 (2002).

<sup>3</sup> *Id.* at 259.

<sup>4</sup> *Id.*

<sup>5</sup> RICHARD D. KAHLENBERG, *ALL TOGETHER NOW: CREATING MIDDLE-CLASS SCHOOLS THROUGH PUBLIC SCHOOL CHOICE* 25–28 (2001).

<sup>6</sup> *Id.* at 82–83.

to the positive influence middle class peers have on low income students: middle class students, raised in a culture that values and expects academic achievement, inspire low income students to also have high ambitions.<sup>7</sup>

Proponents also argue that economic integration will result in no adverse impact on middle class students. Such individuals believe that increasing the number of low income students at middle class schools will not change the school's culture, since studies show that increased concentrations of low income students does not result in a detrimental impact on the school as a whole unless low income students make up a majority of the student body.<sup>8</sup> Furthermore, additional studies have concluded that school environment has differing effects on middle class and low income students; while low income students are sensitive to their school environment, middle class students are significantly less influenced.<sup>9</sup> Such differences are explained by differing family environments—because middle class parents are more likely to play active, positive roles in their children's lives than low income parents, middle class students are less likely to become influenced by their peers.<sup>10</sup> Thus, some argue that middle class students will have a strong positive influence on low

---

<sup>7</sup> Molly S. McUsic, *The Future of Brown v. Board of Education: Economic Integration of the Public Schools*, 117 HARV. L. REV. 1334, 1356 (2004).

<sup>8</sup> See, e.g., Jonathan Crane, *The Epidemic Theory of Ghettos and Neighborhood Effects on Dropping Out and Teenage Childbearing*, 96 AM. J. OF SOC. 122627, 1231, 1236, 1240 (1991); Martin E. Orland, *Demographics of Disadvantage: Intensity of Childhood Poverty and its Relationship to Educational Achievement*, in ACCESS TO KNOWLEDGE: THE CONTINUING AGENDA FOR OUR NATION'S SCHOOLS 52–53 (John I. Goodlad & Pamela Keating eds., 1990).

<sup>9</sup> See, e.g., E.D. HIRSCH, JR., *THE SCHOOLS WE NEED AND WHY WE DON'T HAVE THEM* 45 (1996) (finding that bad schools hold back disadvantaged children disproportionately because disadvantaged homes are typically less able than advantaged ones to compensate for the knowledge gaps left by schools).

<sup>10</sup> See, e.g., Laurence Steinberg, *Single Parents, Stepparents, and Susceptibility of Adolescents to Antisocial Peer Pressure*, 58 CHILD DEV. 269–74 (1987).

income students, while low income students will have little or no negative influence on middle class students.<sup>11</sup>

Despite the optimistic results of these studies, only a handful of districts have made a serious attempt at economically integrating their schools.<sup>12</sup> Of these, Wake County, North Carolina, has received considerable media attention, and has been considered the most ambitious economic integration program in the country.<sup>13</sup> Both the Wake County school board and the media have attributed large district-wide test score increases among minorities in grades 3–8 to the economic integration policies,<sup>14</sup> and education policy experts have proclaimed that the Wake County results bolster the credibility of previous studies.<sup>15</sup>

This Essay will evaluate Wake County's economic integration program, with a particular emphasis on whether one can credit economic integration for Wake County's dramatic rise in test scores. Despite claims by Wake County administrators, it seems readily apparent that economic integration has had little or no impact on Wake County's grades 3-8 test scores. However, because of several key differences between Wake County's economic integration plan and the ideal method, one should not dismiss the benefits of economic integration entirely based on the Wake County experience.

## I. CASE STUDY: WAKE COUNTY, NORTH CAROLINA

### *A. Background*

The Wake County school district, which includes Raleigh as well as its suburbs, instituted its economic integration program in 2000.<sup>16</sup> The district's goal was to "[limit] the proportion of low-income students in any school to no more

---

<sup>11</sup> Kahlenberg, *supra* note 5, at 40–41.

<sup>12</sup> Kahlenberg, *supra* note 2, at 259.

<sup>13</sup> Alan Finder, *As Test Scores Jump, Raleigh Credits Integration by Income*, N.Y. TIMES, Sept. 25, 2005, at 1.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

than 40 percent.”<sup>17</sup> The school board furthered this goal by making income a significant factor in the school assignment process.<sup>18</sup> Currently, only 22 of the district’s 139 schools have not met the 40 percent threshold, and about 2.5 percent of schoolchildren—about 3,000 students—have been assigned to a different school to further economic diversity.<sup>19</sup>

Since 85 percent of Wake County’s low income students are non-white, reducing racial achievement gaps has been one of the program’s goals.<sup>20</sup> Wake County administrators claim that the economic integration program has succeeded by causing dramatic increases in minority performance on state mandated tests.<sup>21</sup> For example, five years before economic integration, only 40 percent of black third to eighth graders in Wake County scored at grade level on the state tests; five years after economic integration, this number rose to 80 percent.<sup>22</sup> Among third to eighth grade students district-wide, the percentage of those proficient rose from 79 percent to 91 percent.<sup>23</sup>

### *B. Evaluating Wake County’s Claims*

Wake County administrators appear to have vastly overstated the impact the district’s economic integration program has had on student performance. In fact, Wake County’s economic integration plan may have had little or no effect on minority or aggregate achievement. While such large achievement gains in such a short period of time are impressive, Wake County’s increases do not differ significantly from the rest of North Carolina.

---

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Alan Finder, *As Test Scores Jump, Raleigh Credits Integration by Income*, N.Y. TIMES, Sept. 25, 2005, at 3, 4.

<sup>20</sup> *Id.* at 1, 3.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 1.

<sup>23</sup> *Id.*

**Table 1:**  
**Grade 3-8 Reading Test: North Carolina Statewide (% Proficient)**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Am. Indian	49.9	50.9%	57.7%	61.8%	62.9%	66.4%	68.6%	77.6%	78.3%	78.6%
Asian	74.1%	74.0%	76.9%	77.6%	80.1%	81.7%	84.4%	89.0%	90.0%	90.3%
Black	47.9%	49.3%	55.1%	57.9%	58.8%	60.7%	64.8%	74.3%	74.9%	75.8%
Hispanic	59.1%	56.3%	59.4%	61.9%	62.9%	65.0%	67.4%	73.9%	75.4%	76.1%
Multi Racial	71.7%	70.5%	74.3%	77.3%	77.5%	80.6%	82.9%	87.8%	88.4%	87.9%
White	77.2%	78.4%	81.8%	83.4%	84.2%	85.7%	87.6%	91.3%	91.6%	92.0%
Free Lunch	N/A	N/A	N/A	59.2%	60.2%	62.3%	66.3%	75.1%	76.0%	76.9%
Total	68.0%	69.0%	73.0%	74.9%	75.6%	77.1%	79.5%	84.9%	85.3%	85.7%

**Table 2:**  
**Grade 3-8 Reading Test: Wake County (% Proficient)**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Am. Indian	69.8%	71.8%	78.0%	88.5%	80.0%	89.0%	85.2%	92.9%	89.3%	93.1%
Asian	88.2%	89.8%	90.7%	90.9%	91.9%	94.1%	>=95.0%	>=95.0%	>=95.0%	>=95.0%
Black	51.7%	51.9%	57.5%	60.8%	62.1%	67.2%	71.7%	78.3%	78.4%	79.7%
Hispanic	65.4%	61.7%	66.2%	67.7%	66.4%	71.6%	74.0%	78.3%	76.1%	76.8%
MultiRacial	74.0%	75.1%	76.5%	82.2%	84.2%	88.5%	89.1%	92.7%	91.8%	91.5%
White	88.5%	88.9%	90.6%	91.7%	92.6%	94.5%	>=95.0%	>=95.0%	>=95.0%	>=95.0%
FreeLunch	N/A	N/A	N/A	56.4%	57.6%	63.4%	69.0%	74.9%	75.2%	76.8%
Total	78.8%	78.9%	81.5%	83.0%	83.8%	86.3%	88.0%	90.4%	90.0%	90.3%

**Table 3:**  
**Grade 3-8 Mathematics Test: North Carolina Statewide (% Proficient)**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Am. Indian	52.7%	56.1%	66.1%	71.5%	72.1%	74.4%	77.1%	84.1%	85.5%	83.6%
Asian	82.9%	82.7%	85.3%	87.7%	89.1%	89.1%	92.1%	>=95.0%	>=95.0%	>=95.0%
Black	47.7%	50.8%	57.9%	62.8%	64.2%	66.8%	71.4%	79.5%	80.4%	78.5%
Hispanic	61.4%	61.6%	65.9%	70.3%	72.7%	73.8%	77.4%	84.8%	85.8%	84.4%
MultiRacial	71.5%	71.9%	76.3%	79.8%	81.3%	83.2%	86.4%	91.6%	91.7%	89.9%
White	79.6%	81.5%	84.6%	87.2%	88.1%	89.4%	91.3%	94.1%	94.3%	93.7%
FreeLunch	N/A	N/A	N/A	66.1%	67.3%	69.7%	74.2%	81.8%	82.8%	81.2%
Total	69.6%	71.7%	76.1%	79.3%	80.2%	81.8%	84.5%	89.0%	89.5%	88.3%

**Table 4:**  
**Grade 3-8 Mathematics Test: Wake County (% Proficient)**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Am. Indian	74.3%	70.1%	71.7%	84.8%	80.8%	91.5%	93.0%	92.9%	89.9%	92.4%
Asian	92.3%	93.5%	94.1%	>=95.0%	>=95.0%	>=95.0%	>=95.0%	>=95.0%	>=95.0%	>=95.0%
Black	50.7%	52.1%	57.2%	62.3%	65.3%	71.0%	76.8%	81.3%	81.5%	80.7%
Hispanic	67.4%	65.9%	66.1%	72.6%	72.9%	78.7%	83.2%	87.2%	85.4%	84.3%
MultiRacial	75.7%	76.6%	78.4%	82.1%	83.8%	88.8%	92.5%	93.9%	93.9%	92.4%
White	89.4%	90.1%	91.5%	93.1%	94.1%	>=95.0%	>=95.0%	>=95.0%	>=95.0%	>=95.0%
FreeLunch	N/A	N/A	N/A	60.2%	62.6%	69.1%	75.6%	79.9%	81.1%	80.3%
Total	79.4%	80.0%	82.1%	84.6%	85.9%	88.6%	90.7%	92.2%	92.1%	91.6%

As the accompanying tables show, both Wake County and the entire state of North Carolina experienced substantial increases in minority proficiency on grade 3-8 reading and mathematics tests during the ten year period spanning the 1995-1996 and 2004-2005 academic years. The largest gains were for black students; black reading proficiency levels rose from 51.7 percent to 79.7 percent in Wake County and from 47.9 percent to 75.8 percent statewide,<sup>24</sup> and mathematics proficiency levels similarly increased from 50.7 percent to 81.5 percent in Wake County and from 47.7 percent to 80.4 percent statewide.<sup>25</sup> Although black students in Wake County outperformed black students statewide by more than four percentage points in both measures, this is likely not due to economic integration, for Wake County black students had historically outperformed statewide black students by a similar percentage.<sup>26</sup>

Hispanic students saw similar large increases in proficiency both in Wake County and statewide. Hispanic reading proficiency rose from 59.1 percent to 76.1 percent statewide, and mathematics proficiency rose from 61.4 percent to 84.4 percent.<sup>27</sup> In Wake County, reading proficiency rates went from 65.4 percent to 76.8 percent, and mathematics proficiency rates increased from 67.4 percent to 84.3 percent.<sup>28</sup>

Total student achievement followed a similar upward trend in both Wake County and the entire state. In reading and mathematics, statewide proficiency rose from 68 percent to 85.7 percent and 69.6 percent to 88.3 percent, respectively.<sup>29</sup> Once again, Wake County saw similar increases, with reading proficiency going from 78.8 percent

---

<sup>24</sup> Dynamic Table, NORTH CAROLINA STATE TESTING RESULTS, <http://report.ncsu.edu/ncpublicschools/AutoForward.do?forward=eog.pagedef> (last visited July 31, 2006) (click “create custom tables” and select parameters to be displayed on custom tables).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

to 90.3 percent and mathematics proficiency rising from 79.4 percent to 91.6 percent.<sup>30</sup>

However, examining only aggregate racial and total student achievement is insufficient. Given that the Wake County school district includes the Research Triangle, an area with a very high concentration of PhDs and other highly educated professionals,<sup>31</sup> and given that more than 40 percent of Wake County blacks are working and middle class,<sup>32</sup> examining low income student performance changes will provide a better sense of whether Wake County's economic integration program has been as successful as district administrators claim. Although the rest of North Carolina was not economically integrated, statewide reading and mathematics proficiency levels for low income students increased at the same rate as at Wake County. While reading Wake County reading proficiency levels rose from 56.4 percent in 1999 to 76.8 percent in 2005, statewide proficiency increased from 59.2 percent to 76.9 percent;<sup>33</sup> in mathematics, low income student proficiency rose from 60.2 percent to 80.3 percent in Wake County and from 66.1 percent to 81.2 percent statewide.<sup>34</sup> Thus, it does not seem that economic integration has benefited low income students in Wake County to any noticeable degree.

### *C. Causes of the North Carolina Achievement Increases*

One might wonder what factors, if not economic integration, caused such large increases in achievement in Wake County and the entire state of North Carolina. Several researchers have examined this question, and there is significant disagreement as to what factors may have caused the large performance increases that took place in the first

---

<sup>30</sup> Dynamic Table, NORTH CAROLINA STATE TESTING RESULTS, <http://report.ncsu.edu/ncpublicschools/AutoForward.do?forward=eog.pagedef> (last visited July 31, 2006) (click "create custom tables" and select parameters to be displayed on custom tables).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*



half of this decade in North Carolina. However, two factors have received considerable attention from those researchers: competition from charter schools, and increased school accountability.

### 1. Charter Schools

During the 1995-1996 school year, there were zero charter schools in the state of North Carolina;<sup>35</sup> by the 1999-2000 school year, there were almost 100 charter schools operating statewide.<sup>36</sup> Charter schools, like traditional public schools, receive public funds but are given greater flexibility than traditional schools when it comes to determining the curriculum.<sup>37</sup> In North Carolina, parents are able to voluntarily transfer their children to charter schools as long as the school has spaces available.<sup>38</sup> Most charter schools are concentrated in urban areas, particularly in Wake County and Durham County, where 12.4 percent and 18.2 percent of public schools, respectively, are charter schools.<sup>39</sup>

Two noteworthy studies have examined the impact of North Carolina charter schools on the North Carolina grade 3-8 proficiency tests. The first study, released in 2003 by Holmes, DeSimone, and Rupp, hypothesizes that “the expansion of the charter school system has encouraged traditional schools to increase achievement by offering greater school choice to North Carolina parents.”<sup>40</sup> The results of the study, the authors claim, support this

---

<sup>35</sup> George M. Holmes et al., *Does School Choice Influence School Quality?*, 1 (Nat’l Bureau of Econ. Research, Working Paper No. 9683, 2003), available at [http://www.nber.org/papers/w9683.pdf?new\\_window=1](http://www.nber.org/papers/w9683.pdf?new_window=1).

<sup>36</sup> *Id.*

<sup>37</sup> *Charter Schools FAQs*, PUBLIC SCHOOLS OF NORTH CAROLINA, <http://www.ncpublicschools.org/charterschools/faqs/> (last visited July 31, 2006).

<sup>38</sup> *Id.*

<sup>39</sup> Robert Bifulco & Helen F. Ladd, *The Impacts of Charter Schools on Student Achievement: Evidence from North Carolina*, 10 (Terry Sanford Inst. of Pub. Policy Working Paper No. SAN04-01, 2004), available at <http://www.eric.ed.gov/PDFS/ED493385.pdf>, at 10.

<sup>40</sup> Holmes, et al., *supra* note 35, at 3.

hypothesis: data shows that when a traditional school faces competition with a nearby charter school, the traditional school experiences a one percent increase in achievement.<sup>41</sup> The authors claim that this outcome is what one would expect from converting from a monopoly system, where parents have no alternatives to the local public school, to a system that allows competition between charter schools and traditional public schools. According to the authors, traditional public school principals, when faced with potentially losing students to a charter school competitor, will seek to raise the quality of their traditional public school in order to prevent parents from transferring their children to a charter school.<sup>42</sup> Such transfers, the authors argue, would cause the traditional public school to lose stature in its community as well as potentially face personnel and budget cuts from its funding agency.<sup>43</sup> Furthermore, the school principal's career advancement opportunities may become limited if his or her school is perceived as weaker than the nearby charter school.<sup>44</sup>

Other researchers, however, disagree that charter schools have had any significant impact on the achievement of traditional public schools. Bifulco and Ladd, co-authors of a 2004 study of North Carolina schools that disputes the findings of the Holmes study,<sup>45</sup> argue that charter schools are so few in number and have such small enrollments that it is doubtful that they would have much of an impact on traditional public school policies. For example, 54 of North Carolina's 100 counties do not have a single charter school, and in Charlotte-Mecklenberg, the state's most populous county, charter schools make up only 6 of 130 public schools.<sup>46</sup> Furthermore, the average public school located within 2.5 miles of a charter school has only lost a little more than one percent of its students to a charter school, with only

---

<sup>41</sup> *Id.* at 13.

<sup>42</sup> *Id.* at 2.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Bifulco & Ladd, *supra* note 39, at 8–9.

<sup>46</sup> *Id.* at 10.

a handful of schools losing more than five percent.<sup>47</sup> Thus, Bifulco and Ladd hypothesize that charter schools provide very little competition to traditional public schools.<sup>48</sup>

Bifulco and Ladd also have data to support their claims. The results of their study found that the presence of charter schools has no statistically significant impact on the achievement of students at traditional North Carolina public schools.<sup>49</sup> In addition, Bifulco and Ladd further argue that their model shows that students who attend charter schools improved at lower rates than similarly situated students who remained in traditional public schools.<sup>50</sup>

## 2. School Accountability

Because the North Carolina charter school studies have reached differing conclusions, it is difficult to determine whether charter schools have had a positive, neutral, or even negative impact on student achievement in Wake County or North Carolina as a whole. However, even if the Holmes study is correct, charter schools would only explain a one percentage point increase in achievement. Therefore, even if charter schools account for some gains, they certainly do not explain all or even most of the change in grade 3-8 proficiency levels between 1995-1996 and 2004-2005.

Perhaps the most significant educational policy change to impact Wake County and North Carolina, as well as the rest of the United States, during this period was passage of the No Child Left Behind Act (NCLB) in 2002. Many NCLB provisions are geared towards narrowing the achievement gap between minority groups and whites, as well as holding public schools more accountable for their performance.<sup>51</sup> The most stringent accountability measures apply to schools that receive Title I funds from the federal government. Title I funds are meant to help schools educate students who are

---

<sup>47</sup> *Id.* at 25.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 29.

<sup>50</sup> Bifulco & Ladd, *supra* note 39, at 19.

<sup>51</sup> *No Child Left Behind*, PUBLIC SCHOOLS OF NORTH CAROLINA, <http://www.ncpublicschools.org/nclb/> (last visited July 31, 2006).

behind academically or at risk of falling behind.<sup>52</sup> Approximately half of North Carolina public schools and every school district receive Title I funding.<sup>53</sup>

According to the NCLB guidelines, Title I schools who fail to make “Adequate Yearly Progress” (AYP) for two years in a row must provide their students with the ability to transfer to a different school in the district.<sup>54</sup> If a Title I school continues to fail to meet the AYP standards, the school will have to undergo further changes; for instance, schools failing to make AYP for a third year in a row are required to provide students who remain with free supplemental educational services, such as tutoring.<sup>55</sup> Further failures require corrective action, such as the replacement of school personnel.<sup>56</sup>

The academic year following passage of NCLB—2002–2003—saw very large increases in grade 3-8 reading and mathematics scores statewide. Wake County, while experiencing slightly lower increases than the rest of the state, still saw significant gains between 2001-2002 and 2002-2003. Reading proficiency for all students rose from 88 percent to 90.4 percent, with black proficiency increasing from 71.7 percent to 78.3 percent and low income student proficiency shifting from 69 percent to 74.9 percent.<sup>57</sup> Mathematics increases were similar, with proficiency among all students rising from 90.7 percent to 92.2 percent; black proficiency went from 76.8 percent to 81.3 percent, and low

---

<sup>52</sup> *Answers to FAQs Regarding Title I in North Carolina*, PUBLIC SCHOOLS OF NORTH CAROLINA (July 31, 2006), [http://www.ncpublicschools.org/docs/nclb/titleI/facts/titleI\\_facts.pdf](http://www.ncpublicschools.org/docs/nclb/titleI/facts/titleI_facts.pdf).

<sup>53</sup> *Id.*

<sup>54</sup> *Public School Choice*, PUBLIC SCHOOLS OF NORTH CAROLINA, [http://www.ncpublicschools.org/docs/nclb/schoolchoice/faqs/schoolchoic\\_efaqs.pdf](http://www.ncpublicschools.org/docs/nclb/schoolchoice/faqs/schoolchoic_efaqs.pdf) (last visited July 31, 2006).

<sup>55</sup> PUBLIC SCHOOLS OF NORTH CAROLINA, *supra* note 52.

<sup>56</sup> *Id.*

<sup>57</sup> Dynamic Table, NORTH CAROLINA STATE TESTING RESULTS, <http://report.ncsu.edu/ncpublicschools/AutoForward.do?forward=eog.page&edef> (last visited July 31, 2006) (click “create custom tables” and select parameters to be displayed on custom tables).

income student proficiency increased from 75.6 percent to 79.9 percent.<sup>58</sup>

The rest of North Carolina saw even larger increases than Wake County. Statewide, reading proficiency for all students rose five points, from 79.5 percent to 84.9 percent, with black proficiency rising almost ten points from 64.8 percent to 74.3 percent and low income (free lunch) student proficiency increasing from 66.3 percent to 75.1 percent.<sup>59</sup> In mathematics, total proficiency rose from 84.5 percent to 89 percent, with black proficiency rising from 71.4 percent to 79.5 percent and low income student proficiency increasing from 74.2 percent to 81.8 percent.<sup>60</sup>

School districts statewide have attributed these increases to the NCLB policies. According to Lou Fabrizio, accountability chief for North Carolina's Department of Public Instruction, "Schools are really buckling down under the pressure of No Child Left Behind."<sup>61</sup> Susan Agruso, an assistant superintendent for the Charlotte-Mecklenburg school district, which experienced large increases in black proficiency similar to Wake County, stated that "people pay more attention to what the expectations are" when the government requires public school accountability.<sup>62</sup> While researchers have not fully analyzed the impact NCLB has had on grade 3-8 proficiency levels, one cannot deny that the correlation appears very strong.

## II. IS WAKE COUNTY REPRESENTATIVE?

### A. Differences between Wake County and "Ideal" Integration

Although it does not seem likely that Wake County's economic integration program is responsible for causing the

---

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> "No Child Left Behind" is Working in North Carolina, COMM. ON EDUC. AND THE WORKFORCE, <http://edworkforce.house.gov/issues/108th/education/nclb/dc061903.htm> (last visited July 31, 2006).

<sup>62</sup> *Id.*

significant increase in student achievement, this alone should not be taken as evidence that a school district cannot see achievement gains from economic integration—after all, multiple studies have shown economic integration results in greater achievement, and other jurisdictions have implemented economic integration policies that appear to reap benefits. The Wake County economic integration program, while successfully reducing the likelihood that any given school will have too many low income students, achieved this goal using less than ideal implementation methods. In particular, Wake County engaged in two practices that researchers have generally advised against: mandatory assignments and busing.

### 1. Mandatory Assignment

Mandatory assignment occurs when a school district assigns students to attend a given school without a parent's choice or input in the matter.<sup>63</sup> Because mandatory assignment can take place without parental consent, school districts may find that they can economically integrate schools faster by relying on this coercive power. However, mandatory assignment often causes a significant amount of resentment towards economic integration within the community, particularly among middle class parents who wish to play an active role in their children's education. Wake County's use of mandatory assignment to institute its economic integration program resulted in strong opposition from such parents, who formed the advocacy group Assignments By Choice to lobby for greater parental choice and input in the school selection process.<sup>64</sup>

Other communities that have experimented with economic integration have encountered less public opposition to these programs after taking parental choice into account.

---

<sup>63</sup> Richard D. Kahlenberg, *Socioeconomic School Integration Through Public School Choice: A Progressive Alternative to Vouchers*, 45 HOW. L. J. 247, 249 (2002).

<sup>64</sup> Alan Finder, *As Test Scores Jump, Raleigh Credits Integration by Income*, N.Y. TIMES, Sept. 25, 2005, at 1, 2.

Cambridge, Massachusetts, for instance, adopted a “Controlled Choice Plan” as part of its economic integration program. Under the Controlled Choice Plan, there is no such thing as a “zoned” or “neighborhood” school – no student is automatically assigned to a school solely based on where his or her family lives.<sup>65</sup> Instead, all public schools in the entire city of Cambridge are open to the children of Cambridge residents. When the time comes to register a child for school, parents are asked to rank the top three schools in the jurisdiction that they would like each child to attend.<sup>66</sup> While parental choice is weighed heavily, other factors, such as a child’s reduced or free lunch status, are used in the assignment process in order to ensure that the desired level of economic diversity is met.<sup>67</sup> In Cambridge, more than 94 percent of children are assigned to one of their parents’ top three choices.<sup>68</sup>

As a result of controlled choice, schools have developed their own unique educational programs in order to attract students. Some schools specialize in certain disciplines, such as computer science or the arts;<sup>69</sup> other schools have adopted non-traditional pedagogical methods, such as Montessori.<sup>70</sup> Prior to ranking schools, parents are informed about the different programs and are strongly encouraged to visit schools and find out more about their philosophies and curricular emphasis.<sup>71</sup>

Controlled choice, by creating a diverse array of philosophical and curricular public school options, has given middle class parents a reason to send their children to schools outside of their own immediate neighborhoods.<sup>72</sup> Unlike Wake County, where many middle class parents have shown

---

<sup>65</sup> *Controlled Choice Plan (2001)*, CAMBRIDGE PUBLIC SCHOOLS, available at <http://www.cpsd.us/Web/PubInfo/ControlledChoice.pdf>.

<sup>66</sup> *Id.* at 7.

<sup>67</sup> *Id.*

<sup>68</sup> *FRC: Registration FAQs*, CAMBRIDGE PUBLIC SCHOOL DISTRICT, [http://www.cpsd.us/FRC/Reg\\_inst.cfm](http://www.cpsd.us/FRC/Reg_inst.cfm) (last visited July 31, 2006).

<sup>69</sup> Kahlenberg, *supra* note 63, at 260.

<sup>70</sup> *Id.*

<sup>71</sup> CAMBRIDGE PUBLIC SCHOOLS, *supra* note 65, at 7.

<sup>72</sup> Kahlenberg, *supra* note 63.

an unwillingness to have their children moved,<sup>73</sup> middle class parents in controlled choice jurisdictions have shown their willingness to voluntarily send their children to schools in other neighborhoods. In Montclair, New Jersey—another district with an economic integration policy and controlled choice—all ten of the city’s magnet high schools are equally popular, with no one school receiving an inordinate amount of first choice requests.<sup>74</sup> As a result, economic integration in Montclair has not only received significantly less opposition from middle class parents, but has become a more equitable process: while some low income students voluntarily move into schools in middle class neighborhoods, middle class students voluntarily move into schools in lower income neighborhoods. This phenomenon is not unique to smaller communities such as Montclair. San Francisco, for instance, has successfully used a similar controlled choice system to fairly evenly distribute students from low socioeconomic backgrounds throughout the district.<sup>75</sup> In contrast, economic integration in Wake County has disproportionately involved low income students moving into middle class schools, and has drawn greater criticism from both middle and low income families.<sup>76</sup>

## 2. Busing

Wake County coupled its mandatory assignment system with a forced busing program, which involves sending many low income students to middle class schools in the suburbs and other wealthier areas.<sup>77</sup> Although 85 percent of students attend school within five miles of their homes, many students

---

<sup>73</sup> Finder, *supra* note 64, at 2.

<sup>74</sup> *Innovation in Education: Creating Successful Magnet School Programs*, U.S. DEP’T. OF EDUC., [http://www.ed.gov/admins/comm/choice/magnet/report\\_pg15.html](http://www.ed.gov/admins/comm/choice/magnet/report_pg15.html) (last visited July 31, 2006).

<sup>75</sup> David I. Levine, *Public School Assignment Methods After Grutter and Gratz: The View From San Francisco*, 30 HASTINGS CONST. L.Q. 511, 536 (2003).

<sup>76</sup> Finder, *supra* note 64, at 3.

<sup>77</sup> *Id.*



must attend schools that are twelve or more miles away from home.<sup>78</sup> Many of these schools are located far from where bused low income students live: bus rides of almost an hour each way are not uncommon, with some students experiencing even longer commutes.<sup>79</sup>

As with mandatory assignment, researchers have generally not believed that school districts should use busing programs to implement economic integration.<sup>80</sup> Busing exacerbates the parental opposition already present with mandatory assignment—however, while middle class parents are among the most vocal critics of mandatory assignment, both middle and lower income parents tend to have strong feelings against busing. While low income parents may believe that their children’s new school provides a better learning environment than the local school they would have been assigned to otherwise, they also feel that such long commutes are a burden on themselves and their children. One low income Wake County mother, for instance, finds it “ridiculous” that her seven year old son has to spend 55 minutes to travel to a school at the northern edge of Wake County, even though she personally liked the school.<sup>81</sup>

Low income parent ambivalence, or outright opposition, to forced busing is not surprising. While busing may allow low income children to attend schools with wealthier peers, higher quality teachers, and an overall better environment, such benefits do not come without significant tradeoffs. Most notably, students bused to schools far from home have less time to devote to other activities due to their long commutes. For example, a student who spends two hours every school day on a bus has less time to devote to studying.<sup>82</sup> In addition, parents of bused children are more likely to not enroll their children in kindergarten programs, viewing the long

---

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> Jeannie Oakes, *Concept 6 and Busing to Relieve Overcrowding: Structural Inequality in California Schools* (2002), available at <http://www.idea.gseis.ucla.edu/publications/williams/reports/pdfs/wws12-Oakes.pdf>.

commutes as a burden that outweighs the potential benefits of early school enrollment.<sup>83</sup>

Perhaps even more importantly, long commutes undermine one of the purported benefits of economic integration. Through economic integration, low income students are expected to socialize with middle class students, learn their values, and seek to achieve higher goals.<sup>84</sup> However, if these low income students live far away from their middle class peers, the chances of effective socialization are diminished. While low income students may interact with middle class students in school, their long commutes will make them less likely to form actual friendships with them, since socializing outside of school would be a burden.<sup>85</sup> Since buses run on predetermined schedules and often leave shortly after the end of the formal school day, bused students often do not have the opportunity to visit their friends' houses after school, or to even participate in school-sponsored extracurricular activities, including sports.<sup>86</sup> Thus, busing low income students to distant middle class schools may significantly diminish or outright erase the primary benefit of economic integration.

Furthermore, studies have shown that busing has an impact on the level of parental involvement in a bused child's education. On average, parents of bused children are less involved than similarly situated parents of children who are not bused: even when low income parents want to actively involve themselves with their child's school, they are often unable to do so because the distance between their homes and the school is so great; particularly when they do not own cars. As a result, these parents find it difficult to have conferences with their children's teachers or to visit the school for other purposes, such as parent association meetings.<sup>87</sup> Given the already low rate of low income parent involvement in their

---

<sup>83</sup> *Id.* at 23.

<sup>84</sup> *Id.* at 22.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.* at 21.

children's education, busing programs may do a disservice to low income children by exacerbating this problem.

*B. Racial Integration: Wake County's True Motive*

One might wonder why Wake County chose to implement its economic integration program using mandatory assignment and busing when such coercive methods have such significant disadvantages. Wake County school district administrators, while promoting the benefits economic integration may convey on low income students, has made no secret that racial integration is one of the program's underlying goals.<sup>88</sup> In fact, one of the reasons the school board implemented the economic integration program was out of a fear that Wake County's "three-decade effort to integrate public schools racially would be found unconstitutional if challenged in the federal courts . . . ."<sup>89</sup> Such a fear was not unfounded: a series of Supreme Court rulings in the 1990s, such as *Board of Education v. Dowell* and *Missouri v. Jenkins*, severely limited a school district's ability to take proactive measures to racially integrate schools.<sup>90</sup> As a result of such rulings, attempts to assign students to schools based on race in San Francisco and other locales were rejected by federal district courts.<sup>91</sup>

Although economic integration and racial integration may achieve similar ends, such as increasing minority representation in middle class schools, parents have generally been more reluctant to accept racial integration. Low income and working class whites, for instance, have often opposed racial integration programs, making themselves the political opponents of low income and working class blacks.<sup>92</sup> White parents often opposed such programs simply because they not

---

<sup>88</sup> Finder, *supra* note 64, at 2.

<sup>89</sup> *Id.*

<sup>90</sup> For a discussion of these Court decisions and their impact, see Levine, *supra* note 75.

<sup>91</sup> For a discussion of the San Francisco experience, see *id.*

<sup>92</sup> Molly S. McUsic, *The Future of Brown v. Board of Education: Economic Integration of the Public Schools*, 117 HARV. L. REV. 1334, 1362 (2004).

only did not see how their children would benefit from integration, but they did see ways in which integration might adversely impact their children, such as the potential that discipline may become a greater problem at schools.<sup>93</sup> One can debate whether such fears were justified; however, one cannot deny that overt attempts to racially integrate schools have resulted in skepticism and opposition from white families for these reasons.<sup>94</sup>

Economic integration, in contrast, has been met with greater popular support—at least when the program is not presented as a roundabout way of instituting racial integration. Whites see tangible advantages in economic integration that they do not see in racial integration.<sup>95</sup> Under economic integration, low income whites obtain a benefit that they do not receive under racial integration: their children have the potential to enroll in higher quality schools. Furthermore, both low income and middle class whites, as discussed earlier, stand to benefit from economic integration if the school district uses a controlled choice program to implement it. Since schools seek to differentiate themselves in a controlled choice system, most, if not all, schools become “magnet” schools, causing middle class parents to become more supportive due to the new curricular options available to them.<sup>96</sup> Since the transition from zoned schools to magnet schools often results in facilities upgrades, low income parents also see tangible improvements to their local schools that are often not present with racial integration.<sup>97</sup>

If Wake County had not treated economic integration as a way to sidestep limits on racial integration, it is likely that economic integration in Wake County would receive greater public support, as it has in other regions. However, if Wake County implemented economic integration through the recommended methods, such as controlled choice, there is a strong possibility that while schools may become more

---

<sup>93</sup> *Id.* at 1375.

<sup>94</sup> *Id.*

<sup>95</sup> Kahlenberg, *supra* note 63, at 260.

<sup>96</sup> McUsic, *supra* note 92, at 1363.

<sup>97</sup> Kahlenberg, *supra* note 63.

economically diverse, they would become less racially diverse. For instance, when San Francisco implemented economic integration through controlled choice, it managed to achieve “nearly perfect” economic diversity in its public schools; however, many of these economically diverse schools remained “severely segregated” by race.<sup>98</sup> This phenomenon was largely attributed to housing patterns. Since San Francisco’s neighborhoods are heavily segregated, and parents often prefer enrolling their children in schools close to home, San Francisco schools remained racially segregated even though they became economically integrated.<sup>99</sup>

Wake County, while not directly admitting it, has likely implemented its economic integration program through mandatory assignment and busing as a way of ensuring that public schools remain racially integrated. Cynthia Matson, president of Assignment By Choice and a Wake County parent, has stated that “[k]ids are bused all over creation, and [the school district] say[s] it’s for economic diversity, but really it’s a proxy for race.”<sup>100</sup> Such a sentiment is not surprising; given that Wake County likely primarily tailors its policies to ensure racial integration with effective economic integration a secondary factor, one should not view Wake County’s lackluster results as an indictment on all economic integration programs.

### III. CONCLUDING REMARKS

Wake County’s experiment with economic integration, while touted by Wake County school district administrators as the cause of significant improvements in student performance, does not seem to have produced the promised results. Although a substantially greater proportion of minority and low income students in grades 3-8 have scored sufficiently high on state reading and mathematics tests to be deemed proficient, such increases mirror improvements that took place across all of North Carolina during the same time

---

<sup>98</sup> Levine, *supra* note 75, at 535.

<sup>99</sup> *Id.* at 536.

<sup>100</sup> Finder, *supra* note 64.

period. While the primary cause of these statewide improvements remains ambiguous, empirical evidence suggests that these increases are due to the No Child Left Behind Act, with Wake County's economic integration program playing little, if any, role.

However, one should not dismiss the potential benefits of economic integration based on the Wake County experience. Though Wake County's school board labels its program economic integration, the district's implementation methods greatly contrast with how researchers suggest districts implement economic integration. Rather than allowing parental choice, the Wake County district instituted mandatory school assignments and forced busing, implementation methods that are not only unpopular with many parents, but directly work against the primary purpose of economic integration, which is to encourage socialization between low income and middle class students. Wake County likely chose these methods to further a primary goal of racially integrating its public schools; in fact, the Wake County school board may have only pursued economic integration in order to deflect a potential court challenges to its previous racial integration programs. Because Wake County views economic integration as a method of instituting racial integration, and has used racial integration implementation methods to implement economic integration, it is inappropriate to use the Wake County experience as evidence of whether or not economic integration benefits students or schools.